

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-HB

This Document Relates To:
All Actions

DECLARATION OF JOHN COTTER

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, John Cotter, declare as follows:

1. I am an attorney with the law firm Larkin Hoffman Daly & Lindgren, Ltd., which with Gibson, Dunn & Crutcher LLP represents Defendant Smithfield Foods, Inc. in this matter. Except where otherwise indicated, I make this declaration based upon my own personal knowledge.

2. Attached as **Exhibit A** is a true and correct copy of the Complaint dated August 9, 1989, and filed in *Iannacone, et al. v. Vogel Popcorn Co. et al.* 3:89-cv-502 (Dkt. No. 1).

3. Attached as **Exhibit B** is a true and correct copy of the Class Action Complaint dated August 9, 1989, in *Zarda Brothers Dairy, Inc. v. Vogel Popcorn Company, et al.* 3:89-cv-503 (Dkt. No. 1).

4. Attached as **Exhibit C** is a true and correct copy of the Class Action Complaint dated August 15, 1989, in *Chocolate Pop Corn Company v. Vogel Popcorn Company, et al.* 3:89-cv-515.

5. The *Iannacone, et al. v. Vogel Popcorn Co. et al.* case, the *Zarda Brothers Dairy, Inc. v. Vogel Popcorn Company, et al.* case, and the case in which the *Chocolate Pop Corn Company v. Vogel Popcorn Company, et al.* complaint was filed all became part of the *In re Bulk Popcorn Antitrust Litigation*, Case No. 3:89-cv-710, before the Honorable Paul A. Magnuson.

6. Attached as **Exhibit D** is a true and correct copy of the Second Amended and Consolidated Class Action Complaint dated January 31, 1997, in *Gerald Bukstein, d/b/a Sol's Super Market et al. v. Marigold Foods, Inc.* 3:96-cv-458 (Dkt. No. 86).

7. The Second Amended and Consolidated Class Action Complaint attached as **Exhibit D** became part of the *In re Milk Products Antitrust Litigation* and was analyzed by Judge Magnuson in *In re Milk Prod. Antitrust Litig.*, 84 F. Supp. 2d 1016 (D. Minn. 1997).

I declare under penalty of perjury of the laws of the United States that everything I have stated in this document is true and correct.

Executed on December 21, 2018 in Hennepin County, Minnesota.

s/ John Cotter
John Cotter